

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No.12520 of Luddie M. King, pursuant to Paragraph 8207.11 of the Zoning Regulations for a variance from the lot occupancy (Sub-section 3303.1 and Paragraph 7107.21 and 7107.23) and rear yard (Sub-section 3304.1 and Paragraph 7107.22) requirements to allow an addition to a row dwelling which is a non-conforming structure in the R-5-A District at the premises 1259 "U" Street, S. E. (Square 5773, Lot 804).

HEARING DATE: November 16, 1977
DECISION DATE: December 6, 1977

FINDINGS OF FACT:

1. The subject property is located in the R-5-A District on the south side of "U" Street between Martin Luther King Avenue and 13th Street, S. E.
2. The property is presently improved with a two story single family row dwelling and detached garage in the rear.
3. The subject property lies within the boundaries of the Old Anacostia Historic District, known as Uniontown. This Historic District was so designated in 1973.
4. The subject property is a substandard lot containing approximately 1,485 square feet in area. The lot is adjoined on the east and west by row houses. At the rear of the lot is a garage and the side of a residence which faces 13th Street, S. E.
5. The applicant proposes the erection of a rear addition to the existing structure.
6. The applicant submitted two alternative plans, referred to as plans "A" and "B". In either plan the existing garage is to be razed.
7. Plan "A" involves a two story rear addition which requires a variance from the percentage of lot occupancy, a variance from the rear yard requirement and a variance allowing an addition to a non-conforming structure. The maximum area of

the lot which may be occupied is 594.00 square feet, the existing area occupied is 1,017.695 square feet and the proposed area to be occupied is 1,084.515 square feet, an increase of approximately sixty-five square feet but in excess of the maximum permitted. The required rear yard is twenty feet, the yard to be provided would be 11.09 feet, requiring a variance of 8.91 feet.

8. Plan "B" involves a variance to permit a second story addition to a non-conforming structure. This plan actually reduces the lot occupancy from 1017.695 square feet to 914 square feet.

9. The subject building was erected in 1904, prior to the adoption of the Zoning Regulations. With the adoption of the Zoning Regulations, this dwelling became a non-conforming structure.

10. Under Plan "A" the applicant will be able to make additional improvements to the house. Under Plan "B", only the addition proposed can be accomplished.

11. The applicant's present structure with the existing rear detached garage, presently occupies sixty-eight per cent of the lot. The R-5-A District limits lot occupancy to forty per cent. The Zoning Commission presently has before it a petition to rezone the subject site and surrounding area from R-5-A to R-3. This rezoning would increase the allowable lot occupancy from forty per cent to sixty per cent.

12. The applicant proposes the removal of the rear garage. In Plan "A" this garage removal and rear addition slightly increases the percentage of existing lot occupancy from sixty-eight per cent to seventy-three per cent. In Plan "B" the percentage of lot occupancy would be decreased from sixty-eight per cent to sixty-two per cent.

13. The Municipal Planning Office, by report dated November 9, 1977 recommended approval of Plan "B", stating that it would require only one variance.

14. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:


Based on the above findings, the evidence of record, and testimony of the public hearing, the Board is of the opinion that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The

Board concludes that the relatively small size of the lot subdivided prior to the adoption of zoning creates the required difficulty. The Board further concludes that the granting of a variance would not adversely effect the present character or future development of the neighborhood. The Board notes that, of the two plans submitted by the applicant, Plan "A" represents the more reasonable proposal for the applicant, without having any adverse effect. It is therefore ORDERED that this application is GRANTED subject to the CONDITION that the addition be built in accordance with Plan "A", marked as exhibit 23 and 25 in the record.

VOTE:

4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith, Leonard L. McCants)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 10 JAN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.